

Applicants: Boris Ginzburg et al.
Serial Number: 10/658,614

Assignee: Intel Corporation
Attorney Docket: P-5911-US

REMARKS

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Status of the Claims

Claims 1-8, 11, and 19-33 have been cancelled without prejudice or disclaimer to their filing in a divisional or continuation application. Claims 9, 12, and 14-17 have been amended. Consequently, claims 9-10 and 12-18 are pending in the Application. No new matter has been added.

Telephone Interview

Initially, Applicants wish to thank the Examiner, Simon Goetze, for granting and attending the telephone interview, with Applicants' Representative, Caleb Pollack, Reg. No. 37, 912 and Martin Wolff on May 7, 2008. Agreement was reached that Applicants would make claim amendments and claim cancellations. No agreement regarding specific claim amendments was reached, but Applicants have amended claim 9 and cancelled claims 1-8 and 19-33 as discussed during the interview.

Claim Rejections Under 35 USC §103(a)

The Office Action rejected claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer et al. ("Fischer"), U.S. Patent No. 5,889,772, in view of Zweig et al. ("Zweig"), U.S. Patent No. 7,154,854.

Applicants respectfully traverse the rejection of claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer in view of Zweig.

Claims 1-8, 11, and 19-33 have been cancelled rendering their rejection moot. Amended independent claim 9 recites "collecting a first statistic of packet error rates for request to send frames sent and a second statistic for packet error rates for data frames

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transmitted under request to send protection.” Applicants respectfully submit that Fischer lacks these limitations. In particular, Fischer fails to measure statistics for request to send (RTS) frames separately from data frames. Fischer recognizes the difference between RTS and data frames as evidenced in column 2, lines 1-3 of Fischer, “To minimize the probability of a collision, some WLANs use a short request-to-send (RTS) frame sent before the actual data transmission to request an airtime reservation” and column 9, lines 29-30, “If an RTS or DATA frame was transmitted ...” However, his measurement fails to collect separate statistics for RTS frames and data frames, as evidenced by column 9, lines 43-45, “The number of the failures to receive a CTS or ACK frame in response to such attempts is kept as a contention_fails count.” Attempts are also collected as a single statistic (see Fischer, column 9, lines 45-54 and also column 11, lines 54-59). Consequently, Fischer cannot reduce an RTS protection threshold based on the first packet error rate (for RTS frames) as in Applicant’s claim 9. As stated by Fischer, his “bit error rate provides an estimate for the quality of the propagation path between these two stations” (Fischer, column 12, lines 5-6). Once RTS protection is activated, Fischer’s sole remedy is to adjust the fragmentation level (see Fischer, column 12, lines 9-19) - Fischer does disclose any adjustment to RTS protection as in Applicants’ claim 9.

Zweig does not cure the deficiencies of Fischer. Zweig discloses only measuring acknowledgements for data packets (Zweig, column 8, lines 34-36), not RTS frames. Further, Zweig’s determinations on implementing RTS protection are “using the same one or more routines performed by an AP, as described with reference to FIGS. 4 and 5” which determine “a factor indicative of the error(s) that occurred in the transmission of the one more data packets to the WU(s).” (See Zweig, column 13, lines 29-32 and column 8, lines 27-29). Zweig includes no discussion of collecting RTS frame statistics or adjusting RTS protection based on such a measurement.

Since neither of Fischer and Zweig, alone or in combination, includes all elements of Applicants’ claim 9 as amended, Applicants respectfully submit that claim 9 is patentable over Fischer and Zweig, alone or in combination.

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Each of claims 10 and 12-18 depends from claim 9 and includes all of the features of claim 9 as well as additional distinguishing features, and is therefore similarly patentable.

In view of the above, Applicants respectfully request that the rejection of claims 1-33 under 35 USC §103(a) as being unpatentable over Fischer in view of Zweig be withdrawn.

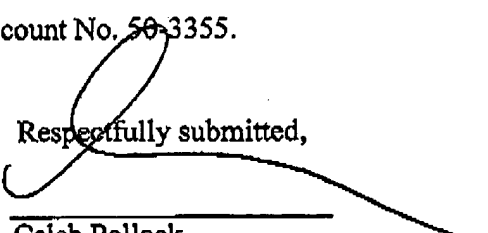
Conclusion

In view of the foregoing remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Except for the fees for the RCE, being paid separately, no fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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